# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Civil Action No: 5:17-cv-00259-BO

VOIT TECHNOLOGIES, LLC,	)
Plaintiff,	)
vs.	)
DEL-TON, INC.,	)
Defendant.	)
	)

# PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE MOTIONS TO STRIKE, DISMISS, OR OTHERWISE RESPOND TO DEFENDANT'S "ANSWER, MOTION TO DISMISS AND COUNTERCLAIMS," "MOTION TO DISMISS COMPLAINT," AND "MOTION FOR BOND"

Pursuant to Fed.R.Civ.P. 6(b) and Local Civil Rule 6.1(a), Plaintiff moves for entry of an order extending the time within which to file motions to strike, dismiss, or otherwise respond to Defendant's *Answer, Motion to Dismiss and Counterclaims* (DE 12) ("Answer"), *Motion to Dismiss Complaint* (DE 13) ("Motion to Dismiss"), and *Motion for Bond* (DE 15) ("Motion for Bond"). In support of this Motion, Plaintiff states as follows:

- 1. "When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) ... if request is made, before the original time ... expires." Fed.R.Civ.P. 6(b)(1); see also Loc.Civ.R. 6(b).
- Defendant filed its Answer, Motion to Dismiss, and Motion for Bond on July 20,
   2017.
- 3. Currently, the deadline for Plaintiff to file motions to strike, dismiss, or otherwise respond to Defendant's Answer, Motion to Dismiss, and Motion for Bond is August 10, 2017. *See* Fed.R.Civ.P. 12 (a)(1), (b), and (f)(2).

- 4. Plaintiff is in the process of drafting motions to strike, dismiss, or otherwise respond to the Answer, Motion to Dismiss, and Motion for Bond. However, Plaintiff requires a slight extension of time.
- 5. Additionally, Plaintiff's counsel, David Tamaroff, Esq., will be traveling with his family from August 13, 2017 through August 23, 2017.
- 6. Accordingly, Plaintiff respectfully requests that the Court grant it a fifteen (15) day extension, or until August 25, 2017, to file motions to strike, dismiss, or otherwise respond to the Answer, Motion to Dismiss, and Motion for Bond.
- 7. Plaintiff's counsel has conferred with counsel for Defendant, who does not oppose the relief requested herein.
- 8. This extension is for good cause, will not result in unjust delay, and will not jeopardize the Defendants in any way. Indeed, the relief requested herein will allow Plaintiff to provide the Court with a more concise and refined pleadings, promoting judicial economy and the "just, speedy, and inexpensive determination" of this action. Fed.R.Civ.P. 1.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to file motions to strike, dismiss or otherwise respond to the Answer, Motion to Dismiss, and Motion for Bond be extended fifteen (15) days, or until August 25, 2017. A proposed order is attached for the Court's convenience.

[Signatures and Certificate of Service on following page.]

Dated: August 10, 2017.

# Respectfully submitted

#### /s/ David F. Tamaroff

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#### And

### /s/ Frank W. Leak

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# **CERTIFICATE OF SERVICE**

I hereby certify that, on August 10, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all parties or counsel of record through this system.

By: /s/ David F. Tamaroff
David F. Tamaroff, Esq.